

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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Law Offices of Edward P. Azar, LLC  
2840 Route 23 South  
Newfoundland, NJ 07435  
NJ Attorney ID 011091977  
Phone: 973-697-7400  
Fax: 973-697-0895

Case No: 19-20340

Chapter: 7

Judge: John K. Sherwood

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In Re:

Perez, Anthony

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**CERTIFICATION IN OPPOSITION**

Anthony Perez does hereby certify as follows:

1. I am the Debtor in the above captioned matter and make this Certification in Opposition to the request by Bank of America seeking relief from the automatic stay.
2. The property in question is located at 650 Ridge Road, West Milford, New Jersey. In December 1968, my father Jose Perez and my mother purchased the property in question. My father died August 14, 1990 and as a result, the property became vested with my mother.
3. In August 2007, in conjunction with a refinance, my mother transferred the property to herself and my sister Teresa Allgayer. **Exhibit 1.** At the same time, my sister and mother obtained a mortgage from Countrywide Home Loans in the amount of \$106,575.00.
4. At the same time my sister and mother obtained the mortgage, they had also executed a Deed transferring the property back to my mother. The Deed was not recorded until October 2007, approximately three months after they received the mortgage. Therefore, in or about October 2007, the title was returned, 100%, to my mother Adeline Perez.

5. In May 2008, my sister and mother obtained a second mortgage in the amount of \$10,989.00. Both my mother and sister signed the mortgage when in fact, my mother was the only owner of the property.
6. In September 2012, my mother and sister obtained a mortgage modification, again when the owner of the property was solely my mother.
7. In April 2014, my mother and sister executed a Quit Claim Deed transferring all right, title and interest to my mother, Adeline Perez. **Exhibit 2.**
8. In December 2014, my mother and sister again entered into a second mortgage for the total of \$20,671.00.
9. In November 2015, my mother transferred 50% of the property to me so that we had equal ownership in the property. **Exhibit 3.**
10. My mother died in 2019. She died without a Will and therefore, as I understand, her 50% ownership of the property transferred intestate to her seven surviving children.
11. As a result of the above, I own my original 50% of the property plus 7% which I have inherited from my mother. Additionally, my brothers Cruz Perez and Joey Perez have executed a Deed transferring their ownership interest in the property to me. As a result, I own approximately 71% of the property. The remaining interest in the property is owned by another brother and my sisters.
12. I originally started this proceeding by way of a Chapter 13. I was attempting to modify the mortgage with the hopes that the bank would allow me to undertake the responsibility, and since it was a FHA loan, allow me to assume the mortgage obligation. Bank of America never responded to the same and despite the fact that a mortgage modification package had been submitted on two separate occasions, they never ruled on my submission.

13. The US Trustee filed an objection in the Chapter 13 proceeding asserting the fact that I did not own the property in question. I then converted to Chapter 7.

14. The Court should be aware that throughout the last five or six months of this proceeding, Bank of America and the servicing company, Carrington Mortgage, has been accepting my monthly mortgage payment. They have accepted approximately \$10,000.00 in mortgage payments.

15. In reviewing their recent submission seeking relief from the stay, they do not provide any information to the Court as to the payments that I have made. Further, they do not address the issue that I have requested, on at least two occasions, consideration for a mortgage modification.

16. Based upon the foregoing, I am requesting that the Court deny Bank of America's request for relief from the stay. Pursuant to the Consumer Financial Protection Bureau, they have an obligation and responsibility to review my mortgage modification application before proceeding to foreclosure.

17. I am therefore requesting that the Court deny the relief being sought by Bank of America.

I hereby certify the statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: 11/2/2019

/s/ Anthony Perez







00912D

# Deed

This Deed is made on **August 1, 2007**

**BETWEEN**

**Adeline Perez**

**widowed**

whose post office address is

**650 Ridge Road  
West Milford, NJ**

referred to as the Grantor,

**AND**

**Adeline Perez**

**Teresa Allgayer**

whose post office address is

**650 Ridge Road  
West Milford, NJ**

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**1. Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **\$1.00**

**One Dollars and No Cents**

The Grantor acknowledges receipt of this money.

**2. Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of **West Milford**  
Block No. **5702** Lot No. **9** Qualifier No. Account No.

☐ No lot and block or account number is available on the date of this Deed. (Check Box if Applicable.)

**3. Property.** The Property consists of the land and all the buildings and structures on the land in the **Township** of **West Milford**  
County of **Passaic** and State of New Jersey. The legal description is:

☒ Please see attached Legal Description annexed hereto and made a part hereof. (Check Box if Applicable.)

**Being the same premises conveyed to Jose Perez and Adeline Perez, his wife by Deed from Ida M. Utter and William Utter, her husband dated 12/9/1968 recorded 1/6/1968 in the Passaic County Register's Office in Deed Book B-87, page 377.**

**Jose Perez died a resident of this state on August 14, 1990.**

KAREN BROWN  
CLERK  
PASSAIC COUNTY  
New Jersey

INSTRUMENT NUMBER  
**2007066434**

RECORDED ON

**AUG 23, 2007**

**11:53:55 AM**

**BOOK: D1489**

**PAGE: 189**

Total Pages: 5

NJ PRESERVATION  
ACCOUNT **\$30.00**

RECORDING FEES -  
RECORDER OF DEEDS **\$50.00**

TOTAL PAID **\$80.00**

INW: 644501 USER: SF

### DESCRIPTION

ALL that certain tract or parcel of land, situated, lying and being in the Township of West Milford, County of Passaic, State of New Jersey, more particularly described as follows:

BEGINNING at a point which forms the southeast corner of First Avenue and Ridge Road and running thence

- (1) Southerly along the easterly line of Ridge Road, 46.50 feet; thence
- (2) Easterly along the northerly line of Second Avenue, 91.24 feet; thence
- (3) Northerly along the dividing line between Lots 7 and 8, for a distance of 107.75 feet; and thence
- (4) Easterly, along the southerly line of First Avenue, 124.96 feet to the point or place of BEGINNING.

NOTE: Being Lot(s) Lot: 9, Block: 5702; Tax Map of the Township of West Milford, County of Passaic, State of New Jersey.

NOTE: Lot and Block shown for informational purposes only.

NOT CERTIFIED COPY

The street address of the Property is:  
**650 Ridge Road, West Milford, NJ**

**4. Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**5. Signatures.** The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)

Witnessed By:

  
\_\_\_\_\_  
**Andrew K. Murray, Esq.**

  
\_\_\_\_\_  
**Adeline Perez**

(Seal)

(Seal)

STATE OF NEW JERSEY, COUNTY OF MORRIS  
I CERTIFY that on **August 1, 2007**

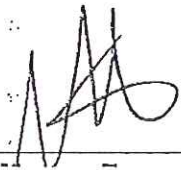
SS:

**Adeline Perez**

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this Deed; and,
- (b) executed this Deed as his or her own act.

RECORD AND RETURN TO:  
**Andrew K. Murray, Esq.**

  
\_\_\_\_\_



**BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.**

STATE OF NEW JERSEY

FOR RECORDER'S USE ONLY	
Consideration	\$ _____
RTF paid by seller	\$ _____
Date	8/23/07 By <u>Evo</u>

SS. County Municipal Code  
 COUNTY Passiac 1615

MUNICIPALITY OF PROPERTY LOCATION West Milford

\*Use symbol "C" to indicate that fee is exclusively for county use

**(1) PARTY OR LEGAL REPRESENTATIVE** (See Instructions #3 and #4 on reverse side)

Deponent, Adeline Perez, being duly sworn according to law upon his/her oaths  
 (Name)  
 deposes and says that he/she is the Grantor in a deed dated 8/1/07 transferring  
 (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)  
 real property identified as Block number 5702 Lot number 9 located at  
650 Ridge Road, West Milford, NJ and annexed there  
 (Street Address, Town)

**(2) CONSIDERATION** \$ 1.00 (See Instructions #1 and #5 on reverse side)

**(3) Property transferred is Class 4A 4B 4C (circle one).** If property transferred is Class 4A, calculation in Section 3A below is required

**(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS:**  
 (See Instructions #5A and #7 on reverse side)

**Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation**

\$ \_\_\_\_\_ ÷ \_\_\_\_\_ % = \$ \_\_\_\_\_

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or excess of 100%, the assessed value will be equal to the equalized valuation.

**(4) FULL EXEMPTION FROM FEE** (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbols is insufficient. Explain in detail.

for consideration less than \$100.00

**(5) PARTIAL EXEMPTION FROM FEE** (See Instruction #9 on reverse side)

**NOTE:** All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. **SENIOR CITIZEN** Grantor(s) ☐ 62 years of age or over. \* (See Instruction #9 on reverse side for A or B)
- B. **BLIND PERSON** Grantor(s) ☐ legally blind or \*
- DISABLED PERSON** Grantor(s) ☒ permanently and totally disabled ☐ Receiving disability payments ☐ Not gainfully employ

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- ☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey.
- ☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

\*IN THE CASE OF HUSBAND AND WIFE/CIVIL UNION PARTNERS, ONLY ONE GRANTOR NEEDS TO QUALIFY IF TENANTS BY THE ENTIRETY.

**C. LOW AND MODERATE INCOME HOUSING** (See Instruction #9 on reverse side)

- ☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
- ☐ Meets income requirements of region. ☐ Subject to resale controls.

**(6) NEW CONSTRUCTION** (See Instructions #2, #10 and #12 on reverse side)

- ☐ Entirely new improvement. ☐ Not previously occupied.
- ☐ Not previously used for any purpose. ☐ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

**(7) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.**





**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

(Please Print or Type)

**SELLER(S) INFORMATION (See Instructions, Page 2)**

Name(s)

Adellne Perez

Current Resident Address:

Street: 650 Ridge Road

City, Town, Post Office

State

Zip Code

NJ

07480

West Milford

**PROPERTY INFORMATION (Brief Property Description)**

Block(s)

Lot(s)

Qualifier

5702

9

Street Address:

650 Ridge Road

City, Town, Post Office

State

Zip Code

West Milford

NJ

07480

Seller's Percentage of Ownership

Consideration

Closing Date

100%

\$1.00

8/1/2007

**SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents)**

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. ☐ The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

Date

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

END OF DOCUMENT

2

Document Prepares by  
Paralegal Temps, LLC

105 10th Avenue

Vero Beach, FL 32962

Return to after Recording  
Adeline and Anthony Perez

650 Ridge Road

West Milford, New Jersey 07480

INSTRUMENT NUMBER  
2015054900

RECORDED ON  
NOV 30, 2015

RECORDING FEES - \$45.00

REORDER OF DEEDS \$3.00

INDEMNITY TRUST \$3.00

TOTAL PAID \$73.00

NO PRESERVATION \$25.00

ACCOUNT

RECORDING FEES - \$45.00

REORDER OF DEEDS \$3.00

INDEMNITY TRUST \$3.00

TOTAL PAID \$73.00

NO PRESERVATION \$25.00

ACCOUNT

RECORDING FEES - \$45.00

REORDER OF DEEDS \$3.00

INDEMNITY TRUST \$3.00

TOTAL PAID \$73.00

NO PRESERVATION \$25.00

ACCOUNT

RECORDING FEES - \$45.00

REORDER OF DEEDS \$3.00

INDEMNITY TRUST \$3.00

TOTAL PAID \$73.00

## Quitclaim Deed



0011VU

Assessor's Property Tax Parcel/Account Number(s)

Lot 9, Block 5702; Tax Map of the Township of West Milford, County of Passaic, State of N.J.

THIS QUITCLAIM DEED, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by  
first party, Grantor, Adeline Perez  
\_\_\_\_\_, whose  
mailing address is 650 Ridge Road, West Milford, New Jersey 07480 to  
second party, Grantee, Adeline Perez and/or Anthony Perez  
\_\_\_\_\_  
whose mailing address is 650 Ridge Road, West Milford, New Jersey 07480

WITNESSETH that the said first party, for good consideration and for the sum of One Dollars  
(\$ 1.00) paid by the said second party, the receipt whereof is hereby  
acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all  
the right, title, interest and claim, which said first party has in and to the following described  
parcel of land, and improvements and appurtenances thereto in the County of Passaic,  
State of New Jersey.

To wit: (Legal Description)

Beginning at a point which forms the southeast corner of First Avenue and Ridge Road and running thence

1) Southerly along the easterly line of Ridge Road, 46.50 feet; thence

2) Easterly along the northerly line of Second Avenue, 91.24 feet; thence

3) Northerly along the dividing line between lots 7 and 8, for a distance of 107.75 feet; and thence

4) Easterly, along the southerly line of First Avenue, 124.96 feet to the point or place of BEGINNING.

NOTE: Being Lot 9, Block: 5702, Tax Map of the Township of West Milford, County of Passaic,  
State of New Jersey.



IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first written above. Signed, sealed and delivered in the presence of:

Signature of Witness

Signature of Witness

Print Name of Witness

Print Name of Witness

Adeline Perez  
Signature of Grantor, Adeline Perez

Signature of Grantor

Adeline Perez  
Print Name of Grantor

Print Name of Grantor

State of New Jersey

County of Passaic

On November 20, 2015, before me, DANNY SARRIA

appeared ADELINE PEREZ, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Danny Sarria  
Signature of Notary

DANNY SARRIA  
Print Name

Affiant known ☒ produced ID

Type of ID NJDCL

SEAL

Danny N. Sarria  
Notary Public of New Jersey  
Commission ID# 2483200  
Commission Expires 08/11/2020

3



THIS SPACE PROVIDED FOR RECORDER'S USE ONLY:

Prepared by Cricket McMillin

KRISTIN M. CORRADO  
CLERK  
PASSAIC COUNTY  
New Jersey

INSTRUMENT NUMBER  
2014015463

RECORDED ON  
APR 16, 2014  
10:56:42 AM

BOOK: 02457  
PAGE: 245

Total Pages: 5

NO PRESERVATION  
ACCOUNT 30.00

RECORDING FEES -  
RECORDER OF DEEDS 150.00

HOMELESSNESS TRUST  
FUND 13.00

TOTAL PAID \$23.00

INV: 1034947 USER: LB

WHEN RECORDED RETURN TO:

Adeline Perez  
650 Ridge Road  
West Milford, New Jersey, 07480

### QUIT CLAIM DEED

THE GRANTORS, Adeline Perez, a single woman, 650 Ridge Road, West Milford, New Jersey 07480 and Teresa Allgayer, a single woman, 148 Papsoc Road, Hewitt, New Jersey 07401 for and in consideration of: \$1.00 conveys, releases and quit claims to the GRANTEE: Adeline Perez, a single woman, 650 Ridge Road, West Milford, Passaic County, New Jersey, 07480, the following described real estate, situated in West Milford, in the County of Passaic, State of New Jersey:

BEGINNING at a point which forms the southeast corner of First Avenue and Ridge Road and running thence

(1) Southerly along the easterly line of Ridge Road, 46.50 feet; thence

(2) Easterly along the northerly line of Second Avenue, 91.24 feet; thence

(3) Northerly along the dividing line between Lots 7 and 8, for a distance of 107.75 feet; and thence

(4) Easterly, along the southerly line of First Avenue, 124.96 feet to the point or place of BEGINNING.

NOTE: Being Lot Lot: 9, Block: 5702; Tax Map of the Township of West Milford, County of Passaic, State of New Jersey.

NOTE: Lot and Block shown for informational purposes only.



Grantors grant, all of the Grantors' rights, title, and interest in and to the above described property and premises to the Grantee, and to the Grantee's heirs and assigns forever, so that neither Grantors nor Grantors' heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

Tax Parcel Number: \_\_\_\_\_

**Grantors Signatures:**

DATED: April 9, 2014

Adeline Perez  
ADELINE PEREZ  
650 Ridge Road  
West Milford, New Jersey 07480

Teresa Allgayer  
TERESA ALLGAYER  
148 Papscoo Road  
Hewitt, New Jersey 07401

Witnessed By:

Patty Poole  
PATTY POOLE, Witness  
75 Dawker Road  
Hewitt, New Jersey 07421

Teresa Di Menza  
TERESA DIMENZA, Witness  
10 First Avenue West  
West Milford, New Jersey 07421

STATE OF NEW JERSEY, COUNTY OF PASSAIC, ss:

On this 9<sup>th</sup> day of April, 2014, before me, personally appeared Adeline Perez and Teresa Allgayer, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same as for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Erin F. Calkin  
Notary Public

Erin F. Calkin  
Notary Public of New Jersey  
Commission Expires 09/28/2017

Title

My commission expires \_\_\_\_\_

GIT/REP-3  
(5-12)



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

(Please Print or Type)

**SELLER'S INFORMATION** (See Instructions, Page 2)

Names(s)

Teresa Allgayer

Current Resident Address:

Street: 650 Ridge Rd.

City, Town, Post Office

West Milford

State

NJ

Zip Code

07480

**PROPERTY INFORMATION** (Brief Property Description)

Block(s)

5702

Lot(s)

9

Qualifier

Street Address:

650 Ridge Rd.

City, Town, Post Office

West Milford

State

NJ

Zip Code

07480

Seller's Percentage of Ownership

Consideration

Closing Date

**SELLER ASSURANCES** (Check the Appropriate Box) (Boxes 2 through 10 apply to Residents and Non-residents)

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☒ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. ☐ The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).  
☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.
9. ☐ The property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed being recorded is a deed dated prior to the effective date of P.L. 2004, c. 55 (August 1, 2004), and was previously unrecorded.

**SELLER'S DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

4-10-2014

Date

Teresa Allgayer

Signature

(Seller) Please indicate Power of Attorney or Attorney in Fact

WILLIAM H. FRANCIS

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires 10/5/2014

Signature

(Notary) Please indicate Power of Attorney or Attorney in Fact



GIT/REP-3  
(5-12)



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

(Please Print or Type)

**SELLER(S) INFORMATION** (See Instructions, Page 2)

Names(s)

*Adeline Perez*

Current Resident Address:

Street:

*650 Ridge Rd.*

City, Town, Post Office

*West Milford*

State

*NJ*

Zip Code

*07460*

**PROPERTY INFORMATION** (Brief Property Description)

Block(s)

*5702*

Lot(s)

*9*

Qualifier

Street Address:

*650 Ridge Rd.*

City, Town, Post Office

*West Milford*

State

*NJ*

Zip Code

*07460*

Seller's Percentage of Ownership

Consideration

Closing Date

**SELLER ASSURANCES** (Check the Appropriate Box) (Boxes 2 through 10 apply to Residents and Non-residents)

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☒ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. ☐ The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).  
☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.
9. ☐ The property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed being recorded is a deed dated prior to the effective date of P.L. 2004, c. 55 (August 1, 2004), and was previously unrecorded.

**SELLER(S) DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

Date

Date

Signature

(Seller) Please Indicate if Power of Attorney or Attorney In Fact

Signature

**WILLIAM H. FRANCIS**  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 10/5/2016



RTF-1 (Rev. 7/14/10)

MUST SUBMIT IN DUPLICATE

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## AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

} SS. County Municipal Code

COUNTY

MUNICIPALITY OF PROPERTY LOCATION

## FOR RECORDER'S USE ONLY

Consideration \$  
 RTF paid by seller \$  
 Date By

\*Use symbol "C" to indicate that fee is exclusively for county use.

## (1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, \_\_\_\_\_, being duly sworn according to law upon his/her oath,  
 (Name)  
 deposes and says that he/she is the \_\_\_\_\_ in a deed dated \_\_\_\_\_ transferring  
 (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)  
 real property identified as Block number \_\_\_\_\_ Lot number \_\_\_\_\_ located at  
 \_\_\_\_\_ and annexed thereto.  
 (Street Address, Town)

(2) CONSIDERATION \$ \_\_\_\_\_ (Instructions #1 and #5 on reverse side) ☐ no prior mortgage to which property is subject.

## (3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:  
 (See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ \_\_\_\_\_ + \_\_\_\_\_ % = \$ \_\_\_\_\_

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

## (4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004 for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

*Transfer between mother & daughter to mother*

## (5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over. (Instruction #9 on reverse side for A or B)  
 B. { BLIND PERSON Grantor(s) ☐ legally blind only  
 DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ receiving disability payments ☐ not gainfully employed\*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- ☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey.  
☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

\*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

## C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- ☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.  
☐ Meets income requirements of region. ☐ Subject to resale controls.

## (6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- ☐ Entirely new improvement. ☐ Not previously occupied.  
☐ Not previously used for any purpose. ☐ "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

## (7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- ☐ No prior mortgage assumed or to which property is subject at time of sale.  
☐ No contributions to capital by either grantor or grantee legal entity.  
☐ No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me  
 this 16 day of APRIL, 2014

Signature of Deponent

Grantor Name

*William H. Francis 650 Ridge Rd. West Milford*

WILLIAM H. FRANCIS

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires 10/5/2016

Dependent Address

Grantor Address at Time of Sale

XXX-XXX-

Last three digits in Grantor's Social Security Number

Name/Company of Settlement Officer

## FOR OFFICIAL USE ONLY

Instrument Number \_\_\_\_\_ County \_\_\_\_\_  
 Deed Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
 Deed Dated \_\_\_\_\_ Date Recorded \_\_\_\_\_

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

STATE OF NEW JERSEY

PO BOX 251

TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:

www.state.nj.us/treasury/taxation/lpt/localtax.htm

END OF DOCUMENT